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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/090,756   | 03/06/2002  | Tadashi Sasaki       | 0879-0378P          | 5208             |
| 2292   | 7590        | 01/13/2005           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | LAM, HUNG H         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2615                |                  |

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/090,756             | SASAKI, TADASHI     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hung H. Lam            | 2615                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03/06/2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/28/2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US-4,414,575).

It is noted that the USPTO considers the Applicant's "one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 1, Yamamoto discloses a focusing status detecting apparatus which detects a focusing status of a taking lens with respect to an image pickup device for image-output of a camera that obtains an image to be outputted, the focusing status detecting apparatus determining that the focusing status is one of front focus, rear focus, and in focus, the focusing status detecting apparatus comprising:

a plurality of image pickup devices (Fig. 2, sensors 21,31,41) for detecting the focusing status which detect the focusing status, the plurality of image pickup devices receiving subject light incident through the taking lens with different optical path lengths (col. 2, lines 61-66; col. 3, lines 8-17), a focusing evaluation value being obtained according to a high frequency component of each of images (HPFs 22, 32, 42) obtained by the plurality of image pickup devices for detecting the focusing status (Figs. 2-3, controller 50; col. 3, lines 24-25; col. 3, lines 54-66; Tw evaluation value is obtained in response to Tq, Tp, Tr signals), the focusing status being determined according to the obtained focusing evaluation value (col. 3, lines 54-68 - col. 4, lines 1-60);

wherein a number of pixels of the plurality of image pickup devices for detecting the focusing status (31,41) is smaller than a number of pixels of the image pickup device for image-output (Fig. 2, 21; col. 3, lines 1-8; it is noted that the line sensors 31, and 41 are inherently having smaller number of pixels than two dimensional sensor 21), and the focusing status is detected within a frame range smaller than the entire frame range of the image to be outputted obtained by the image pickup device for image-output (col. 3, lines 8-16; line sensor captures smaller frame range than two-dimensional sensor does).

Regarding claim 2, Yamamoto discloses a focusing status detecting apparatus which detects a focusing status of a taking lens with respect to an image pickup device for image-output of a camera that obtains an image to be outputted, the focusing status

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detecting apparatus determining that the focusing status is one of front focus, rear focus, and in focus, the focusing status detecting apparatus comprising:

a plurality of image pickup devices (Fig. 2, sensors 21,31,41) for detecting the focusing status which detect the focusing status, the plurality of image pickup devices receiving subject light incident through the taking lens with different optical path lengths (col. 2, lines 61-66; col. 3, lines 8-17), a focusing evaluation value being obtained according to a high frequency component of each of images (Fig. 2, HPFs 22, 32, 42) obtained by the plurality of image pickup devices for detecting the focusing status (Figs. 2-3, controller 50; col. 3, lines 24-25; col. 3, lines 54-66; Tw evaluation value is obtained in response to Tq, Tp, Tr signals), the focusing status being determined according to the obtained focusing evaluation value (col. 3, lines 54-68 - col. 4, lines 1-60);

wherein an image pickup size of the plurality of image pickup devices (31,41) for detecting the focusing status is smaller than an image pickup size of the image pickup device for image-output (Fig. 2, 21; col. 3, lines 1-8; it is noted that line sensors 31, and 41 are inherently having smaller number of pixels than the two dimensional sensor 21), and the focusing status is detected within a frame range smaller than the entire frame range of the image to be outputted obtained by the image pickup device for image-output (col. 3, lines 8-16; line sensor captures smaller frame range than two-dimensional sensor does).

### ***Conclusion***

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Takane et al. (US-6,538,249) disclose an image-formation apparatus using charged particle beams under various focus conditions.

b) Watanabe (US-4,577,095) discloses an automatic focusing apparatus for a semiconductor pattern inspection system.

c) Ohmuro (US-5,134,468) discloses an optical apparatus for varying the lengths of optical path of color component light beams.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 703-305-8143. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC YEN VU can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL

01/06/05



NGOC-YEN VU  
PRIMARY EXAMINER